

## **REMARKS**

Claims 1, 4, 13, 14, 20, 21, 29 and 41 have been amended. Claims 18 and 45 have been canceled. Claims 55-65 have been added. Therefore claims 1-17, 19-44 and 46-65 are pending in the application.

### **Claim Objection:**

The Examiner objected to a typographical error in claim 14. Claim 14 has been amended to correct the typographical error.

### **Section 112, Second Paragraph, Rejection:**

The Examiner rejected claims 4, 20, 21 and 29 under 35 U.S.C. § 112, second paragraph as indefinite. Withdrawal of this rejection is respectfully requested in light of the above amendments to these claims.

### **Prior Art Rejections:**

The Examiner rejected claims 1-5, 10, 12-14, 16, 22, 23, 28, 29, 31, 41-44 and 51 under 35 U.S.C. § 102(b) as being anticipated by Hochschild et al. (U.S. Patent 5,546,391) (hereinafter "Hochschild"). The Examiner rejected claims 6-9, 20, 21, 24, 25, 32-37, 39, 48 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Hochschild in view of Herring (U.S. Patent 6,542,502). The Examiner rejected claims 11, 18, 30, 40, 45 and 54 under 35 U.S.C. § 103(a) as being obvious over Hochschild in view of Latif et al. (U.S. Patent 6,400,730) (hereinafter "Latif"). Applicants traverse these rejections for at least the following reasons.

Independent claim 1 has been amended to include the limitation of claim 18 and independent claim 41 has been amended to include the limitation of claim 45. Independent claim 13 has been similarly amended. Claims 18 and 45 were rejected over

Hochschild in view of Latif. However, in regard to the present application, the Latif patent is not available as 35 U.S.C. § 102(e) prior art for rejections under 35 U.S.C. § 103. The American Inventors Protection Act of 1999 amended 35 U.S.C. § 103(c) to state that art which qualifies as prior art only under § 102(e), (f) or (g) is not available for rejections under § 103 if that art and the subject matter of the application under examination were owned by or subject to an obligation of assignment to the same assignee at the time the invention was made. This change to 35 U.S.C. § 103(c) is effective for any application filed on or after November 29, 1999. The present application is an application for patent filed after November 29, 1999. At the time the invention was made, the subject matter of present application and the Latif patent were both owned by or subject to an obligation of assignment to the same assignee, Nishan Systems, Inc. Therefore, the amendment to 35 U.S.C. § 103(c) made by the American Inventors Protection Act of 1999 applies to the present application and operates to exclude the Latif patent as available prior art for rejections under 35 U.S.C. § 103.

Applicants respectfully request withdrawal of the rejections of claims 1-17, 19-44 and 46-54 since Latif is not available as prior art for rejections under § 103 and the independent claims have been amended to include limitations that the Examiner was relying upon Latif to teach.

**Allowable Subject Matter:**

Claims 15, 17, 19, 26, 27, 38, 46, 47, 49, 50 and 53 were objected to as being dependent upon a rejected base claim, but otherwise allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Added claims 55-65 correspond to claims 15, 17, 19, 26, 27, 38, 46, 47, 49, 50 and 53, respectively, rewritten in independent form including all the limitations of the corresponding base claim and any intervening claims. Therefore, Applicants assert that claims 55-65 are in condition for allowance.

## CONCLUSION


Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5598-00200/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (      ).
- ☐ Other:

Respectfully submitted,



Robert C. Kowert  
Reg. No. 39,255  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

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